

REMARKS

These remarks are in response to the non-final Office Action mailed 5/20/05, in which claims 1 – 15 are pending. Claims 1 – 6 and 10 – 15 are rejected. Claims 7 – 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. The applicant gratefully acknowledges the fact that the Examiner has noted that claims 7 – 9 are drawn to allowable matter. Claims 2, 14, and 15 have been cancelled. Claim 1 was amended to incorporate the recitations of claim 2. Claim 3 was amended to depend from claim 1. Claim 7 was amended into independent form, incorporating the claim terms of claim 1. Claim 10 was amended to address an antecedent basis issue. No new matter was added during any of the claim amendments.

As stated above, claim 7 has been amended to incorporate the subject matter of claim 1 in response to the Examiner's indication that claims 7-9 were objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Accordingly, Applicants believe that claims 7-9 are in allowable form and respectfully request the allowance thereof.

The applicant has amended the specification and the drawings. Figure 4 has been amended to include identifiers 24, 28, 30, and 31 that were unintentionally omitted from the original drawings. In light of the amendments, it is requested that the Examiner withdraw the objection to the drawings.

Paragraphs [0011.1] and [0011.2] were added to provide brief descriptions of FIG. 5. Paragraphs [0019] and [0023] were amended to identify the subject figure in each instance. The changes made were for solely for clarification purposes. Paragraph

[0023.1] was added to provide descriptive support for FIG. 6. No new matter was added. It is requested that the Examiner withdraw the present objection to the specification.

Claims 14 and 15 were cancelled, thus rendering the 35 U.S.C. §112, ¶1 rejection of these claims moot.

With regard to the 35 U.S.C. §112, ¶2 rejection of claim 6, this claim depends from claim 1, which in its amended form, corrects the antecedent basis issue previously alleged by the Examiner. Withdrawal of this rejection is respectfully requested.

With regard to the 35 U.S.C. §112, ¶2 rejection of claims 10-15, claim 10 has been amended to clarify that the shaving aid is a claim element by using proper antecedent basis.

Claims 1-5, 10, 14, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Sims (WO 00/47374). The Examiner, in making the rejection, notes that:

In regard to claims 1 and 10, Sims discloses a shaving apparatus comprised of a reservoir 15 for storing shaving aid material, a razor cartridge 2 having razor blades 5 therein and a valve comprised of a plug element 24 coupled to the cartridge and positioned within an orifice (within element 20) wherein a first position of the valve permits passage of the shaving material and a second position of the valve prevents the passage of the material.

The applicant disagrees. The Sims reference does not disclose each and every recitation of the claims 1 and 10. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See MPEP 2131 (*citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). Specifically, the Sims patent application lacks at least a spring loaded plug element and an orifice that receives the spring loaded plug element, as recited in claims 1 and 10, respectively.

The Sims patent application discloses a razor having a handle and a reservoir. The contents of the reservoir are under pressure and can be released and delivered to the razor cartridge upon activation of a valve. The activation of the valve occurs when a button (39) is depressed and/or when the shaving action causes the blade unit carrying structure (2) to tip. When the blade unit carrying structure (2) moves from a rest position (see e.g., FIG. 4) to a tilted position (see e.g., FIG. 5) “one or more orifices 27 communicates the bore 25 with the exterior of the valve member 24 immediately above the flange and provide a path through which the container contents can escape when the flange 26 is displaced to interrupt its sealing engagement with the valve seat 22...” (see Sims Patent Application, p. 6, first paragraph). The blade unit carrying structure (2) is designed to “tip” or pivot about flexible hinges (36) (see e.g., FIG. 2).

As shown in FIGS. 4 and 5, the valve of the Sims patent application turns on and off when the valve member (24) tilts so that the sealing engagement between the flange (26) of the valve member and the valve seat (22) is interrupted and the contents of the reservoir flow out via orifice (27). (*See e.g.*, Sims patent application, page 7). Therefore, the valve of the cited prior art operates through a tilting action that enables the orifices (27) of the flange (26) to come into fluid communication with the reservoir (as opposed to having the radial orifices (27) sealed in the valve seat (22)). Accordingly, the Sims patent application does not disclose a spring-loaded plug element that is received by an orifice. Rather, the orifices (27) of the flange are sealed by the inner wall of the valve seat (22). Because the Sims reference lacks a spring-loaded plug element as recited in claims 1 and 10, Sims does not disclose each and every element as recited in Applicants’ claims. Because Sims does not disclose each and every element as recited in claims 1 and 10, Sims does not anticipate the present invention as recited in claims 1 and 10. Accordingly, reconsideration of claims 1 and 10 is respectfully requested.

Dependent claims, by definition, further define the subject matter of the independent claims from which they depend. Because claims 2-5 depend from claim 1, claims 2-5 add recitations that further define the subject matter of independent claim 1. Because claim 1 is believed to be allowable for at least the reasons presented above, claims 2-5 are therefore also believed to be allowable. Consequently, Applicants respectfully request that the rejections of claims 2-5 be withdrawn.

Claims 6 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sims (WO 00/47374) in view of Prussin et al (US 3,749,291). The Examiner, in making the rejection, noted that it would be obvious to “replace the valve mechanism currently employed by Sims with the ball type valve mechanism employed by Prussin...”

The applicant disagrees. “To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” MPEP 2143 (emphasis added). There is no suggestion or motivation to combine the prior art references.

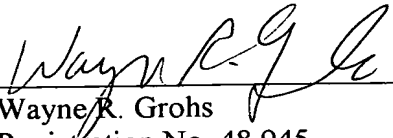
As mentioned above, the Sims patent application discloses a valve that operates when the blade carrying unit (2) tips. The tipping or tilting action of the blade carrying unit (2) causes the flange (26) (which contains orifices (27)) to also tip, and for the orifices to come unsealed (from the valve seat 22), and accordingly to come into fluid communication with the pressurized contents of the reservoir. The movement that causes activation of the valve from a “closed” position to an “open” position, as is clearly stated in the patent application on page 7, is a tipping or tilting action.

Conversely, the valve of the Prussin patent is one that is activated during a linear downward motion (*i.e.*, when “the head 24 is engaged by a person’s finger and depressed in the direction of arrow 42, shown in FIG. 1...” See the Prussin patent, col. 4, lines 17-19). Notably, the force required to activate the valve of the Prussin patent is in a direction substantially parallel to the direction the valve moves during activation. This is not the case with the Sims patent application, which is activated when during a tipping or tilting motion. Therefore, one of skill in the art would not be likely to modify the Sims patent application to incorporate the valve of the Prussin patent because the two valves require a different activating force (*i.e.*, tipping vs. linear downward force). Reconsideration of the present rejection is requested.

Furthermore, claims that depend from a claim that is non-obvious are themselves necessarily non-obvious. Because claim 6 depends from claim 1, and because claim 1 is non-obvious, claim 6 is also necessarily non-obvious. Applicants, therefore, respectfully submit that claim 6 is allowable. Accordingly, Applicants respectfully request that the rejections of claim 6 be withdrawn. Moreover, because claims 11-13 depend from claim 10, and because claim 10 is non-obvious, claims 11-13 are also necessarily non-obvious. Applicants, therefore, respectfully submit that claims 11-13 are allowable. Accordingly, Applicants respectfully request that the rejections of claims 11-13 be withdrawn.

In summary, applicants have traversed each rejection made by the Examiner. Applicants therefore respectfully request that the rejections be withdrawn and the present application be passed onto allowance. A check to cover the extension of time is enclosed and no additional deficiencies are believed to exist. However, please charge any fees due to the Deposit Account 503342, maintained by the Applicant's attorneys.

Respectfully submitted,

By 
Wayne R. Grohs
Registration No. 48,945
Attorney for Applicants

Michaud-Duffy Group LLP
CenterPoint
306 Industrial Park Road, Suite 206
Middletown, CT 06457-1532
Tel: (860) 632-7200
Fax: (860) 632-8269



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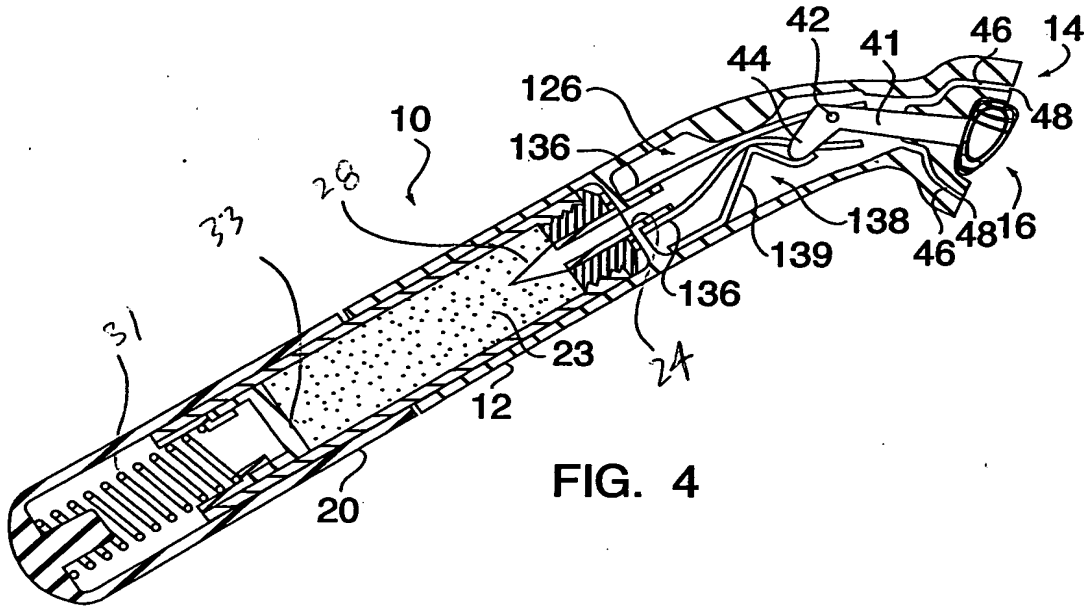


FIG. 4

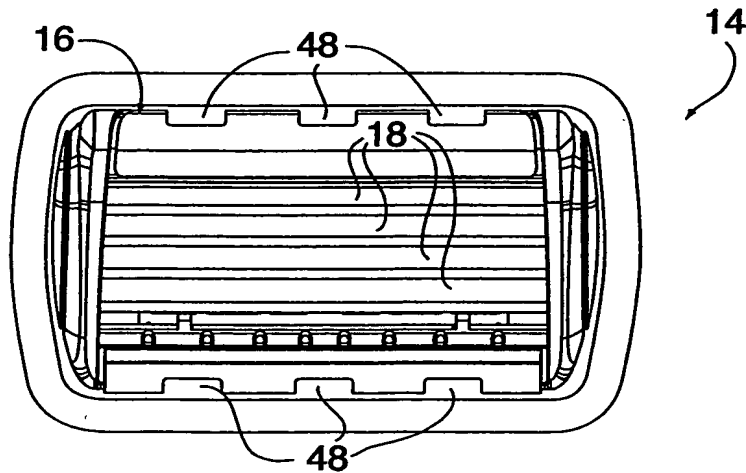


FIG. 5